IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 2962 of 1997

Between:

1.D. Vijaya Ratnam S/o. D.Ch. Kanthaiah, Singareni Boys High School, Ramavaram, Khammam Dist.
2. N. Parvathi D/o. N.M.S.Babulu, S.C. Boys High School,
3.L. Ruby Indira D/o. Jayapaul, S.C. Boys High School, Ramavaram, Khammam Dist.
4.K. Aruna D/o. Nageswara Rao, S.C. Boys High School, Ramavaram,Khammam Dist.
5.Smt. L.B.G. Suhasini D/o. Paulcharles, S.C. Upper Primary School, Yellandu-II, Khammam Dist.
6. T. Srilatha D/o. Narayana, S.C. Upper Primary School, Yellandu-II, Khammam Dist.
7. S. Sudhakar S/o. Rathnaiah,S.C.U.P. School, Yellandu-II, Khammam Dist.
8.K. Kamala D/o. Narasimharao S.C.U.P. School, Yellandu.
9. D. Victoria Rani D/o. Devashahayam, S.C.U.P. School, Yellandu.
10. N. Jansilakshmibai D/o. Anjaneya Raju, S.C.U.P.S. Yellandu.
11.G. Lingarao S/o. Rajeswara Rao, S.C.U.P.S. Yellandu.
12.D. Maramma D/o. Devadahayam, S.C.U.P.S. Yellandu.
13.P. Aruna D/o. Mallaiah, S.C.U.P.S. Yellandu.
14. P. Venkata Narasamma D/o. Venkata Narasimham S.C.U.P.School, Yellandu,, Khammam District-II
15. CH. Venkatappa Sastry S/o. Yagnanarayana Avadani S.C.U.P.School, Yellandu,Khammam District-II
16. Smt. V.Dorka Mary Gold D/o. V.C. RAju S.C.U.P.School, Yellandu, Khammam District-II.
17.M. Usha Rani S/o. Ranganadham, S.C.U.P.School, Yellandu, Khammam District-II
18. K.V. Sujatha D/o. Anantha Rao,S.C.Primary School, Yellandu,
19. S. VEERABHADRAIAH S/o. Narsaiah,S.C. High School, Yellandu, Khammam District-II
20. M. Visalakshi D/o. Kesavarao, S.C.Primary School, Yellandu,
21. M. Vijayalakshmi D/o. Rajeswararao, S.C. High School, Yellandu, Khammam District-II

22. R.V. Nagalakshmi D/o. Someswarasharma, S.C. High School, Yellandu.

23. N. Siva Rani D/o. Simhachalaraju, S.C. High School, Yellandu.
24. A. Kanakadurgamba D/o. A.V. Krishnarao,S.C. High School, Yellandu.
25. P. Sita Rathnam D/o. Ramasesharao,S.C. High School, Yellandu.
26.P. Rohini Kumari D/o. Anandam,S.C. Girls High School, Kothagudem, (PO) Khammam Dist.
27. V. Nirmalananda LAKSHMI D/o. Subrahmanyacharyulu
S.C. Girls High School, Kothagudem, khammam Dist.
28. D. Acharya S/O. Narasimham
S.C. Girls High School, Kothagudem.
29. K. Balabaskara Tripura Sundari D/o. K.V. Charyulu
S.C. Girls High School, Kothagudem.
30. K. Ramakumari D/o. Satyanarayana
S.C. Girls High School, Kothagudem.
31 Smt. B.G. Vasantha Kumari D/o. John Wycliffe
S.C. High School, Rudrampur,
Khammam Dist.
32 M. Rangareddy S/o. Paireddy
S.C. High School, Rudrampur,
Khammam Dist.
33. P. Vijaya Rao S/o. Anandrarao
S.C. High School, Rudrampur, Khammam District.
34 C. Udaya Lakshmi D/o. Venkata Subbaiah
S.C. Girls High School, Kothagudem,
Khammam Dist.
35 N. Brahmendra Ravivarman S/o. Leelaprasad
S.C.P.School, Yellandu, Khammam District.

.... PETITIONERS

AND

1 The Singareni Collieries Co., Ltd., rep. by its Chairman & Managing Director, Kothagudem, Khammam Dist.
2 The District, Educational Officer, khammam.
3 The Director of School Education, A.P., Hyderabad.
4 Govt. of A.P. rep. by its Secretary, Education Department,
Secretariat, Hyderabad.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of Mandamus declaring that the petitioners are entitled for sanction of advance increments for possessing higher qualifications in terms of various orders issued by the Government from time to time including G.O.Ms.No. 182, F&P., dated 17.7.1987 with all consequential benefits such as arrears of pay and other attendant benefits by holding the action of the respondents in not sanctioning advance increments to the petitioners for possessing higher qualifications on the basis of various orders of Government is as illegal, arbitrary, discriminatory and subversive of Articles 14 and 21 of the Constitution and also opposed to all canons of equity, justice and fair play.

Counsel for the Petitioners: MR.D.LINGA RAO

Counsel for the Respondent No.1: MR.K.SRINIVASAMURTHY

Counsel for the Respondents 2 to 4 : GP for School Education

The Court made the following:

ORDER:

This Writ Petition is filed by the petitioners, who are stated to be working in different educational institutions established and run by the first respondent-Singareni Collieries Co. Ltd alleging that they were not extended the advance increments as contemplated in G.O. Ms. No. 40 dated 02.02.1993.

2. According to the petitioners, as they are working in various educational institutions run by the first respondent company which is wholly owned by the Government of India, and G.O. Ms. No. 40 is applicable to them also. Therefore, they are entitled for the advance increments as contemplated in G.O. Ms. No. 40.

3. The said claim is contested by the first respondent. According to the first respondent, all the petitioners are working in unaided posts under the control of the first respondent. It is stated that only with reference to the aided posts, the persons appointed in such vacancies are entitled for advance increments as contemplated in G.O. Ms. No. 40. But with reference to the petitioners, who are working in unaided posts are not entitled for any such advance increments. Therefore, it is stated that the petitioners are not entitled for any advance increments.

4. Heard both sides.

5. Considered the material on record.

6, The claim of the petitioners is that they are working under the first respondent company owned by the Government of India. Therefore, they are entitled for advance increments. According to the G.O. Ms. No. 40, teachers working under the Government, Local bodies, and aided institutions are eligible for advance increment

with effect from 01.07.1986. Though, the petitioners are working in aided institutions, they should be treated as working under the management of the Government as the first respondent company is owned by the Government of India. The said contention is disputed by the first respondent. According to the first respondent, it is only a company registered under the Companies Act, having its independent identity, the share capital may be owned by the Government, but the company cannot be treated as part of the Government. Therefore, the first respondent cannot be treated as part of the Government so as to extend the benefit of the G.O. Ms. No. 40 to the petitioners. Even with reference to the other term aided institutions, the stand of the first respondent is that only to the extent of aided posts the benefit is being extended. But as the petitioners are working in the Company in un-aided posts, they are not entitled for the benefit. The said contention was not disputed by the petitioners. The petitioners are, therefore, not entitled for any relief.

7. Accordingly, the Writ Petition is dismissed. No costs

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14-09-2004

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To

1 The District, Educational Officer, khammam.
2 The Director of School Education, A.P., Hyderabad.
3 The Secretary, Govt. of A.P., Education Department,

Secretariat, Hyderabad.

4. 2 CC to GP for School Education, High Court Buildings, Hyderabad (OUT)

5. 2 CD copies.

6. The Chairman and Managing Director, Singareni Collieries Company Ltd. Kothagudem, Khammam District.